

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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<b>IN RE: YASMIN AND YAZ</b>	)	<b>3:09-md-02100-DRH-PMF</b>
<b>(DROSPIRENONE) MARKETING, SALES</b>	)	
<b>PRACTICES AND PRODUCTS LIABILITY</b>	)	<b>MDL No. 2100</b>
<b>LITIGATION</b>	)	
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**This Document Relates to:**

<i>Yevgeniya Fefer, et al. v. Bayer Corporation, et al.</i> <sup>1</sup>	No. 3:12-cv-11407-DRH-PMF
<i>Lynda Fields, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>2</sup>	No. 3:13-cv-10477-DRH-PMF
<i>Lindsay Fisher, et al. v. Bayer Corporation, et al.</i> <sup>3</sup>	No. 3:13-cv-10370-DRH-PMF
<i>Jessica Florez, et al. v. Bayer Corporation, et al.</i> <sup>4</sup>	No. 3:13-cv-10494-DRH-PMF
<i>LaQuetta Garlington, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>5</sup>	No. 3:13-cv-10468-DRH-PMF
<i>Jessica George, et al v. Bayer Pharma AG, et al.</i> <sup>6</sup>	No. 3:12-cv-11406-DRH-PMF
<i>Kirstie Gillespie, et al v. Bayer Corporation, et al.</i> <sup>7</sup>	No. 3:13-cv-10062-DRH-PMF
<i>Katherine Girgis, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>8</sup>	No. 3:13-cv-10469-DRH-PMF
<i>Mary Gonzalez, et al v. Bayer Corporation, et al.</i> <sup>9</sup>	No. 3:13-cv-10497-DRH-PMF
<i>Alicia Guerin, et al v. Bayer Corporation, et al.</i> <sup>10</sup>	No. 3:11-cv-13233-DRH-PMF

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<sup>1</sup> This order applies to only plaintiffs Megan Gartman, Stacy Hicks, and April Reed.

<sup>2</sup> This order applies to all plaintiffs in the *Fields* case: Lynda Fields, Raquel Gillis, Bridget Higdon, Leola Hulet, and Amy Johnson.

<sup>3</sup> This order applies to only plaintiffs Lindsay Fisher, Jennifer Guadalupe, and Erica Simpson.

<sup>4</sup> This order applies to all plaintiffs in the *Florez* case: Jessica Florez, Kamryn Foltz, Stacey Fulton, Roxanne Gall, and Sheryll Gallion.

<sup>5</sup> This order applies to all plaintiffs in the *Garlington* case: LaQuetta Garlington, Victoria Hirneisen, Ahn Ho, Amy Jarret-Clancy, and Laura Jenkins.

<sup>6</sup> This order applies to only plaintiffs Anessa Brown and Jessica George.

<sup>7</sup> This order applies to only plaintiffs Mary Bohannon and Kirstie Gillespie.

<sup>8</sup> This order applies to all plaintiffs in the *Girgis* case: Katherine Girgis, Amanda Godfrey, Renee Harin, Grace Hill, and Lydia Hinsch.

<sup>9</sup> This order applies to only plaintiffs Tierra Gosa, Ranee Hadden, Michelle Hahn, and Keria Hare.

<i>Marissa Gummow, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>11</sup>	No. 3:13-cv-10397-DRH-PMF
<i>Melissa Harmon, et al v. Bayer Pharmaceuticals Corporation, et al.</i> <sup>12</sup>	No. 3:10-cv-13428-DRH-PMF
<i>Bethany Hitnight, et al v. Bayer Corporation, et al.</i> <sup>13</sup>	No. 3:13-cv-10488-DRH-PMF
<i>Amber Johnson, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>14</sup>	No. 3:13-cv-10481-DRH-PMF
<i>Sonya Johnson, et al v. Bayer Corporation, et al.</i> <sup>15</sup>	No. 3:13-cv-10489-DRH-PMF
<i>Vivian Johnston, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>16</sup>	No. 3:13-cv-10476-DRH-PMF
<i>Jillian Jones, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>17</sup>	No. 3:11-cv-11315-DRH-PMF
<i>Cristi Jordan, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>18</sup>	No. 3:11-cv-13187-DRH-PMF
<i>Gayle Keaton, et al v. Bayer Corporation, et al.</i> <sup>19</sup>	No. 3:13-cv-10459-DRH-PMF
<i>Katie Krueger, et al v. Bayer Corporation, et al.</i> <sup>20</sup>	No. 3:12-cv-11403-DRH-PMF

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<sup>10</sup> This order applies to only plaintiff Marquita Sayles.

<sup>11</sup> This order applies to only plaintiffs Amber McKinnon and Miranda Meshell.

<sup>12</sup> This order applies to only plaintiff Melissa Harmon.

<sup>13</sup> This order applies to only plaintiffs Amy Hocker, Sarah Holbrook, Lakisha Hoskins, and Victoria Hudson.

<sup>14</sup> This order applies to all plaintiffs in the *Amber Johnson* case: Amber Johnson, Tommye McReynolds, Ashley Metcalf, Julia Mistele, and Denise Padron.

<sup>15</sup> This order applies to all plaintiffs in the *Sonya Johnson* case: Sonya Johnson, Maryeline Labanino, Kristelle Lawson, Shawn Lennon, and Rhiannon May.

<sup>16</sup> This order applies to all plaintiffs in the *Johnston* case: Vivian Johnston, Lawonna Keller, Lindsey Kucich, Tammy Magouyrk, and Rachel Martin.

<sup>17</sup> This order applies to only plaintiffs Maritza Cruz and Christina Jenot.

<sup>18</sup> This order applies to only plaintiff Cristi Jordan.

<sup>19</sup> This order applies to only plaintiff Gayle Keaton.

<sup>20</sup> This order applies to only plaintiffs Karlene Grannis, Machele Locke, and Katie Krueger.

## **ORDER REGARDING MOTION TO DISMISS WITH PREJUDICE**

### **HERNDON, Chief Judge:**

On April 10, 2014, Bayer filed a motion seeking with prejudice dismissal, of the above captioned plaintiffs' claims. The motion seeks dismissal, pursuant to Case Management Order 60 ("CMO 60"), for failure to submit *any* Claim Package Materials.<sup>21</sup>

Pursuant to the Court's local rules, the plaintiffs had 30 days to file a responsive pleading. None of the above captioned plaintiffs filed a responsive pleading. At the expiration of the responsive pleading deadline, as is required under CMO 60, the motion was considered by Special Master Stephen Saltzburg.<sup>22</sup> On May 19, 2014, Special Master's Saltzburg's report and recommendation relating to the above captioned cases was docketed. Special Master Saltzburg found that the subject plaintiffs failed to comply with the requirements of CMO 60 and recommended that the subject plaintiffs' claims be dismissed with prejudice in accord with the requirements of CMO 60.

In each case, the parties were given 14 days to respond or object to Special Master Saltzburg's report and recommendation. The 14 day deadline for

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<sup>21</sup> Pursuant to the "Settlement Agreement," Exhibit A to CMO 60, plaintiffs enrolled in the Gallbladder Resolution Program are required to submit to the Claims Administrator all the Claim Package Materials identified in Section 3.03(a) of the Settlement Agreement. Section 3.01 of the Settlement Agreement fixed November 18, 2013 as the deadline for submission of a complete Claims Package. The subject motion asserts that the plaintiffs have failed to comply with this requirement.

<sup>22</sup> Section VIII of CMO 60 "appoints Professor Stephen Saltzburg as Special Master to hear motions to dismiss claims that fail to comply with the terms of the Agreement, and to recommend to this Court rulings on such motions, as specified in the Agreement" (Doc. 2739 p. 8).

responding or objecting to the Special Master's report has expired. None of the above captioned plaintiffs has responded or objected.

Upon consideration of Bayer's motion to dismiss, the Special Master's report, and the requirements of CMO 60, the Court finds that the above captioned plaintiffs have failed to comply with CMO 60. Accordingly, the Court adopts Special Master Saltzburg's report and recommendation. The above captioned plaintiffs' claims are **DISMISSED WITH PREJUDICE** for failure to comply with the requirements of CMO 60.

**SO ORDERED:**

 Digitally signed by  
David R. Herndon  
Date: 2014.06.03  
12:24:21 -05'00'

**Chief Judge**  
**United States District Court**

**Date: June 3, 2014**